



County of Los Angeles CHIEF EXECUTIVE OFFICE

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February 27, 2015

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From: Sachi A. Hamai
Interim Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Senate Oversight Hearing on the Use of Psychotropic Medication in Foster Care.** Information on a joint oversight hearing regarding psychotropic medication in the foster care system convened by the Senate Committees on Human Services and Mental Health on February 24, 2015.
- **Legislation of County Interest on the Use of Psychotropic Medication in Foster Care**
 - **AB 403 (Stone)** – related to Continuum of Care reform for foster care youth in various areas, including placement settings, and the use of psychotropic medication in the foster care system.
 - **SB 238 (Mitchell and Beall)** – related to improving the ability of the child welfare system to track and oversee the use of psychotropic medications for children in foster care.

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- **SB 253 (Monning)** – related to prohibiting the authorization of the administration of psychotropic medications for a child without obtaining a second independent medical opinion.
- **SB 319 (Beall)** – related to requiring foster care public health nurses to monitor and oversee foster care children who are administered one or more psychotropic medications.

Senate Oversight Hearing on the Use of Psychotropic Medication in Foster Care

On February 24, 2015, the Senate Committees on Human Services and Mental Health convened a joint oversight hearing titled: “Misuse of Psychotropic Medication in Foster Care: Improving Child Welfare Oversight and Outcomes within the Continuum of Care.”

The oversight hearing held was in response to recent press reports highlighting concerns with the overprescription of psychotropic medication to foster care children and youth. The Committee Chairs, Senators Mike McGuire and Jim Beall, shared concerns regarding the high use of psychotropic drugs in the foster care system, including that 56 percent of all youth residing in group homes were prescribed at least one psychotropic medication. The Senators also noted that nearly 60 percent of group home residents were prescribed anti-psychotic medications associated with debilitating side effects, and 36 percent were prescribed multiple medications.

Those providing testimony included: Dr. Bill Arroyo, Medical Director of the Department of Mental Health representing the County Behavioral Health Directors Association; Michael Nash, Retired Judge of the County’s Juvenile Court; and representatives from the Administration, County Welfare Directors Association (CWDA), Public Health Nurse, and Youth Law Center, among others. Dr. Arroyo shared information on best practices on the oversight of prescribing medication and collaboration with county partners and providers. Judge Nash provided several recommendations, including; establishing mandates to closely monitor treatment, review the effects of medication and the youth’s medical history, and conduct comprehensive assessments of youth using multiple, strong anti-psychotic medications. CWDA provided recommendations to improve court approval process with information on child’s medication management and their treatment plan, and to increase funding for training and support for foster families.

Recently introduced legislation relating to psychotropic medication in foster care, as described below, was briefly referenced during the hearing.

Legislation of County Interest on the Use of Psychotropic Medication in Foster Care

AB 403 (Stone), which as introduced on February 19, 2015, is a spot bill stating the intent of the Legislature to enact legislation that would reform the Continuum of Care for foster care youth in various areas, including placement setting, accreditation, temporary transition strategies, foster family agency licensure, residential treatment service provisions, provider rates, program auditing, performance measures and transparency.

AB 403 is the California Department of Social Services measure for the Continuum of Care Reform proposal released with the Governor's FY 2015-16 Proposed Budget. This measure is also part of the Administration's overall plan to address the issue of psychotropic medication in the foster care system in response to expanding Federal requirements. AB 403 is currently pending referral to a policy committee.

SB 238 (Mitchell and Beall), which as introduced on February 17, 2015, is a spot bill stating the intent of the Legislature to enact legislation that would improve the ability of the child welfare system to track and oversee the use of psychotropic medications for children in foster care by requiring the development of a system that triggers an alert to medical practitioners treating children in foster care when potentially dangerous interactions between psychotropic medications and other prescribed medications, among other provisions. This measure is currently pending referral to a policy committee.

SB 253 (Monning), which as introduced on February 18, 2015, would: 1) require an order authorizing administration of psychotropic medications to only be granted on clear and convincing evidence of specified matters; and 2) prohibit the Juvenile Court from authorizing the administration of psychotropic medications for a child unless a second independent medical opinion is obtained from a child psychiatrist or a psychopharmacologist under specified circumstances, among other provisions. CWDA has expressed some concerns with SB 253 as introduced. Based on a preliminary review at this time, County Counsel has also identified concerns with this measure in that it would require the Juvenile Court to review medication requests by clear and convincing evidence, among other factors. This measure is currently pending referral to a policy committee.

SB 319 (Beall), which as introduced on February 23, 2015, would: 1) require a county to provide the services of a foster care public health nurse to children in foster care by contracting with the community child health and disability prevention program established in that county; 2) require a foster care public health nurse to monitor and oversee each child in foster care who is administered one or more psychotropic

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medications; and 3) allow foster care public health nurse access to the child's medical, dental, and mental health care information in order to fulfill these duties. This measure is currently pending referral to a policy committee.

This office is working with County Counsel, the Department of Children and Family Services and the Department of Mental Health to further determine the potential County impact of the above measures.

We will continue to keep you advised.

SAH:JJ:MR
OR:lm

c: All Department Heads
Legislative Strategist
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